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Message Text

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73
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-07 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 SAJ-01 MMS-01 /059 W
---------- 098229
R 301802Z JAN 75
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 7797
INFO AMEMBASSY DUBLIN
AMCONSUL BELFAST

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E.O. 11652: N/A
TAGS: PINT, PDEV, UK (NI)
SUBJECT: NORTHERN IRELAND: HMG PUBLISHES GARDINER COMMISSION REPORT

REF: LONDON 920

1. HMG JANUARY 30 PUBLISHED LONG-AWAITED GARDINER COMMISSION REPORT ON CIVIL LIBERTIES AND HUMAN RIGHTS IN NI (COPIES BEING POUCHED). INITIAL REVIEW OF REPORT INDICATES IT IS LARGELY DEVOTED TO PROCEDURAL QUESTIONS (SEE REFTEL) AND CONTAINS NO SURPRISES.

2. PRINCIPAL FINDINGS, BY SUBJECT, ARE:
A. DETENTION - COMMISSION CANNOT RECOMMEND ABOLITION OF DETENTION AT THIS TIME BECAUSE OF SECURITY SITUATION, BUT IT SHOULD ULTIMATELY BE REPEALED. NI SECRETARY SHOULD HAVE SOLE DISCRETION FOR DETENTION AND RELEASE FROM DETENTION.
B. POWER OF SECURITY FORCES - EXISTING POWERS OF SEARCH AND ARREST SHOULD BE AMENDED TO INCREASE POLICE POWERS SLIGHTLY, AND AN INDEPENDENT BODY TO INVESTIGATE COMPLAINTS AGAINST THE POLICE ESTABLISHED. FIREARMS
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CONTROLS SHOULD BE STRENGTHENED.

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C. CATEGORIES AND ACCOMMODATIONS FOR PRISONERS - 'SPECIAL CATEGORY" FOR PRISONERS CONVICTED OF TERRORIST-RELATED CRIMES WAS A MISTAKE AND SHOULD BE ABOLISHED. IT SHOULD BE MADE CLEAR THAT SPECIAL CATEGORY PRISONERS CANNOT EXPECT AMNESTY AND WILL HAVE TO SERVE THEIR SENTENCES.

D. OFFENSES - PROSCRIPTION POWERS SHOULD BE RETAINED AND TERRORISM DEFINITION BROADENED. MEDIA SHOULD BE SANCTIONED FOR DISSEMINATING ADVERTISEMENTS OF PROSCRIBED ORGANIZATIONS.

E. TRIAL PROCEDURES - WHILE TRIAL BY JURY SHOULD BE RESTORED AS SOON AS POSSIBLE, AND SOME PROCEDURAL CHANGES ENACTED, SUMMARY TRIALS AND ONUS OF PROOF MUST BE RETAINED FOR NOW.

3. COMMENT - PUBLICATION OF REPORT AT THIS TIME SEEMS TO INDICATE HMG HAS VIRTUALLY GIVEN UP HOPE THAT PROVISIONAL IRA WILL IMPOSE ANOTHER CEASE FIRE, AT LEAST FOR NOW. REPORT CONCLUSIONS, ESPECIALLY CATEGORIES OF PRISONERS, WILL DISAPPOINT AND POSSIBLY ANGER PROVISIONALS.

SPIERS

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